



Public Service (Terms and Conditions of Employment) (Defence and Veterans' Services Commission) Determination 2025

I, Katy Gallagher, Minister for the Public Service, make the following determination.

Dated 25 August 2025

Katy Gallagher
Minister for the Public Service

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1 Name

This instrument is the *Public Service (Terms and Conditions of Employment) (Defence and Veterans' Services Commission) Determination 2025*.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

This instrument is made under subsection 24(3) of the *Public Service Act 1999*.

4 Definitions

In this instrument:

APS Award means the *Australian Public Service Enterprise Award 2015*.

Commissioner means the Commissioner of the Defence and Veterans' Services Commission.

Covered Employee means a non-SES employee employed in the Defence and Veterans' Services Commission to whom this Instrument applies in accordance with section 5.

Defence and Veterans' Services Commission means the statutory agency of that name established under section 110ZKA of the *Defence Act 1903*.

Instrument means the *Public Service (Terms and Conditions of Employment) (Defence and Veterans' Services Commission) Determination 2025*.

Enterprise Agreement means the *Department of the Prime Minister and Cabinet Enterprise Agreement 2024-2027*, as in operation immediately before the commencement of this Instrument.

Note: The Enterprise Agreement could in 2025 be viewed on the Fair Work Commission's website (<https://www.fwc.gov.au>).

FW Act means the *Fair Work Act 2009*.

NES means the National Employment Standards in Part 2-2 of the FW Act.

PS Act means the *Public Service Act 1999*.

5 Application of this Instrument

This Instrument applies to all non-SES employees employed in the Defence and Veterans' Services Commission pursuant to the PS Act.

6 When this Instrument ceases to apply to Covered Employees

This Instrument ceases to apply to a Covered Employee if:

- (a) an enterprise agreement starts to apply to the Covered Employee (for the purposes of the FW Act); or
- (b) a workplace determination is made that covers the Covered Employee (for the purposes of the FW Act).

Note: A workplace determination operates from the day on which it is made (see section 276 of the FW Act).

7 Terms and conditions of employment

- (1) The terms and conditions of employment applying to a Covered Employee:
 - (a) are the terms and conditions of employment set out in the Enterprise Agreement, as amended by this Instrument; and
 - (b) are not any of the terms and conditions of employment set out in the APS Award.
- (2) The terms and conditions set out in the Enterprise Agreement (as applied by operation of subsection (1)) are amended as follows:
 - (a) where the Enterprise Agreement uses the term "Agreement" to refer to the Enterprise Agreement, the reference to "Agreement" is a reference to the Enterprise Agreement as applied by this Instrument (unless context provides otherwise);
 - (b) a reference in the Enterprise Agreement to "the Secretary of the Department of the Prime Minister and Cabinet" is a reference to the Commissioner;
 - (c) a reference in the Enterprise Agreement to "Secretary" is a reference to the Commissioner;

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- (d) a reference in the Enterprise Agreement to "the Department of the Prime Minister and Cabinet" or "PM&C" is a reference to the Defence and Veterans' Services Commission (unless context provides otherwise);
 - (e) a reference in the Enterprise Agreement to "Department" or "Departmental" is a reference to the Defence and Veterans' Services Commission (unless context provides otherwise);
 - (f) a reference in the Enterprise Agreement to an "employee" is a reference to a Covered Employee (unless context provides otherwise);
 - (g) a reference to "commencement of this Agreement" or "commencement of the Agreement" is a reference to the commencement of this Instrument;
 - (h) clause 4 of the Enterprise Agreement (which specifies the nominal expiry date of the Enterprise Agreement) is omitted;
 - (i) clauses 11 – 16 of the Enterprise Agreement (which sets out the procedures for individual flexibility arrangements) are omitted;
 - (j) clause 18(a) and (b) of the Enterprise Agreement (which provides that the base salaries in Attachment A of the Enterprise Agreement include a 4.0 per cent increase from the first full pay period on or after 1 March 2024 (14 March 2024)) and 3.8 per cent from the first full pay period on or after 1 March 2025 (13 March 2025)) are omitted;
 - (k) the sentence in clause 82 of the Enterprise Agreement (which provides for payment of airline lounge membership fees for employees) stating "Employees may also purchase a membership at PM&C's discounted corporate rate." is omitted.
 - (l) the references to "PM&C Consultative Committee" in clauses 128, 342 and 369 of the Enterprise Agreement are omitted and substituted with "Defence and Veterans' Services Commission Consultative Committee, where one is in place";

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- (m) Clause 414 of the Enterprise Agreement (which deals with the maintenance of disputes notified under the *Department of the Prime Minister and Cabinet Enterprise Agreement 2021-2024*) is omitted.

8 Procedure for dealing with disputes

- (1) For the avoidance of doubt, clauses 406 to 415 (which is the term that provides for the dispute resolution procedure) of the Enterprise Agreement (as modified by section 7 of this Instrument) is:
- (a) a term or condition of employment applying to a Covered Employee; and
 - (b) for the purposes of paragraph 738(d) of the FW Act, a term that provides for a procedure or dealing with disputes arising under this Instrument.

9 Interaction with other determinations made under the PS Act

- (1) To the extent possible, this Instrument is to operate concurrently with any determination made under subsection 24(1) of the PS Act.
- (2) Without limiting subsection (1), this Instrument does not prevent a determination made under subsection 24(1) of the PS Act increasing the amount of salaries, allowances or other monetary entitlements provided under this Instrument.

10 Interaction with the NES and the APS Award

- (1) This Instrument has no effect to the extent that it would exclude the NES or any provision of the NES.
- (2) While this Instrument is in force, the APS Award does not apply to Covered Employees.

Note: The effect of this subsection is that this instrument will interact with the APS Award in the same way as an enterprise agreement. See section 57 of the FW Act.